IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1568 OF 2007

UMED SINGH & ANR. APPELLANT(S)

VERSUS

STATE OF HARYANA RESPONDENT(S)

WITH

Crl.A. No. 1688 of 2007

O R D E R

In Crl.A. No. 1568 of 2007

It is stated that Umed Singh – appellant No.1 has died. Appeal qua him is dismissed as abated. We proceed to consider appeal of Jai Singh, appellant No.2.

Heard learned counsel for the parties and also perused the record.

The record shows that the complainant party had filed a suit for possession by way of preemption – Exhibit PK which shows that the complainant party was not in possession. Thus, it cannot be held to have been proved beyond reasonable doubt that the accused was not acting in exercise of his right of self defence. He exceeded the said right. The case falls under exception II to Section 300 of the Indian Penal Code, 1860.

Signature Not Verified
Digitally signed by SWETA DHYANI
Date: 2015.04.06 00:06:16 IST
Reason:

In these circumstances, we hold that the appellant No.2 is guilty under Section 304 Part-I of the

Indian Penal Code, 1860.

Accordingly, his conviction will stand altered to 304 Part I of the Indian Penal Code, 1860. He said to have been in custody for 6 years. He stands sentenced to the period already undergone. He is on bail. His bail bonds stand discharged.

The appeal is disposed of in above terms.

Pending applications, if any, shall also stand disposed of.

In Crl.A. No. 1688 of 2007

We do not find any ground to interfere.

The appeal is, accordingly, dismissed.

Pending applications, if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[UDAY UMESH LALIT]

NEW DELHI;
22ND MARCH, 2017

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1568 OF 2007

UMED SINGH & ANR. APPELLANT(S)

VERSUS

STATE OF HARYANA RESPONDENT(S)

WITH

Crl.A. No. 1688 of 2007

O R D E R

In Crl.A. No. 1568 of 2007

It is stated that Umed Singh – appellant No.1 has died. Appeal qua him is dismissed as abated. We proceed to consider appeal of Jai Singh, appellant No.2.

Heard learned counsel for the parties and also perused the record.

The record shows that the complainant party had filed a suit for possession by way of preemption – Exhibit PK which shows that the complainant party was not in possession. Thus, it cannot be held to have been proved beyond reasonable doubt that the accused was not acting in exercise of his right of self defence. He exceeded the said right. The case falls under exception II to Section 300 of the Indian Penal Code, 1860.

In these circumstances, we hold that the appellant No.2 is guilty under Section 304 Part-I of the

Indian Penal Code, 1860.

Accordingly, his conviction will stand altered to 304 Part I of the Indian Penal Code, 1860. He said to have been in custody for 6 years. He stands sentenced to the period already undergone. He is on bail. His bail bonds stand cancelled.

The appeal is disposed of in above terms.

Pending applications, if any, shall also stand disposed of.

In Crl.A. No. 1688 of 2007

We do not find any ground to interfere.

The appeal is, accordingly, dismissed.

Pending applications, if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[UDAY UMESH LALIT]

NEW DELHI;
22ND MARCH, 2017

R E V I S E D

ITEM NO.114 COURT NO.12 SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1568/2007

UMED SINGH & ANR. Appellant(s)

VERSUS

STATE OF HARYANA Respondent(s)
(With Office report)
WITH
Crl.A. No. 1688/2007
(With office report)

Date : 22/03/2017 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Manoj Swarup, Adv.
Mr. Rishi Malhotra,Adv.
Mr. Prem Malhotra,Adv.

For Respondent(s) Ms. Nidhi Gupta, Adv.

Dr. Monika Gusain,Adv.

UPON hearing the counsel the Court made the following
O R D E R

In Crl.A. No.1568 of 2007

The appeal is disposed of in terms of the signed order. Pending applications, if any, shall also stand disposed of.

In Crl.A. No. 1688/2007.

The appeal is dismissed in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(SWETA DHYANI) (VEENA KHERA)
SR.P.A COURT MASTER
(Revised signed order is placed on the file)

ITEM NO.114 COURT NO.12 SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1568/2007

UMED SINGH & ANR. Appellant(s)

VERSUS

STATE OF HARYANA Respondent(s)
(With Office report)
WITH
Crl.A. No. 1688/2007
(With office report)

Date : 22/03/2017 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Manoj Swarup, Adv.
Mr. Rishi Malhotra,Adv.
Mr. Prem Malhotra,Adv.

For Respondent(s) Ms. Nidhi Gupta, Adv.

Dr. Monika Gusain,Adv.

UPON hearing the counsel the Court made the following
O R D E R

In Crl.A. No.1568 of 2007

The appeal is disposed of in terms of the signed order. Pending applications, if any, shall also stand disposed of.

In Crl.A. No. 1688/2007.

The appeal is dismissed in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(SWETA DHYANI) (VEENA KHERA)
SR.P.A COURT MASTER
(Signed order is placed on the file)